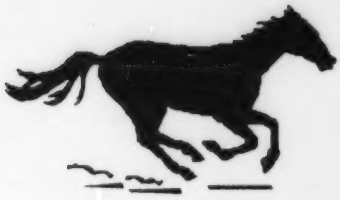


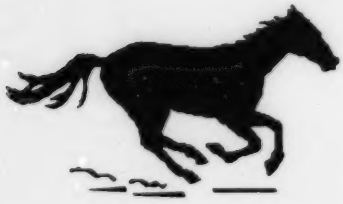
STRAY ANIMALS GUIDE

Prepared by:

Municipal Affairs, Culture and Housing

Advisory (Management) Services

August 2000



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INTRODUCTION

The Stray Animals Act (the Act) falls under the jurisdiction of the Minister of Agriculture and Food.

While the Act and *The Stray Animals Regulations, 1999* (the Regulations) are the responsibility of Saskatchewan Agriculture and Food (SAF), Municipal Affairs, Culture and Housing (MACH) will continue to provide administrative support to municipal officials regarding this legislation.

Before the Act was amended in 1999, there was no legislation to control the running at large of specialized livestock in the province.

Saskatchewan Association of Rural Municipalities (SARM), many rural municipalities and other stakeholders had for many years expressed their concerns that the Act had become outdated and in some cases impossible to apply. No amendments have been made to the Act since 1989 and to the Regulations since 1977.

There was also a need to adequately deal with dangerous strays, to provide for compensation for damage done by strays and to recover the total cost of impounding and caring for strays by municipalities.

In addition to these changes, many sections of the Act were outdated and did not reflect the current farming environment where many farms do not have facilities to hold strays and in some cases the unwillingness for people to act as poundkeepers.

On April 18, 1996, the Stray Animals Review Committee was appointed, which included Chairperson Merv Ross, SAF; John P. Huber, MACH; and Jack Kinnear, Saskatchewan Environment and Resource Management (SERM). This inter-departmental committee was appointed to review and update the Act and the Regulations.

Subsequent consultation with industry and other government departments has resulted in the changes made to the Act and Regulations. The changes addressed most of the concerns addressed by the industry and also provided changes to allow municipalities to better administer the Act.

Before proceeding with any proposed amendments to the Act and the Regulations, producers, rural municipalities and other stakeholders were consulted by the committee for their direct input to the proposed changes.

CONSULTATIONS

Meetings and ongoing communications took place with representatives of the following organizations and departments during the fall of 1996 through the spring of 1997.

- National Farmers Union
- Rural Municipal Administrators Association of Saskatchewan
- Saskatchewan Agriculture and Food
- Saskatchewan Association of Rural Municipalities
- Saskatchewan Bison Association
- Saskatchewan Elk Breeders Association
- Saskatchewan Environment and Resource Management
- Saskatchewan Game Farmers Association
- Saskatchewan Municipal Affairs, Culture and Housing
- Saskatchewan Wheat Pool
- Southwest Regional Council of ADD Boards
- West Central Regional Council of ADD Boards
- Western Canada Wild Boar Association

Note: This manual is not a substitute for legislation and it is important to always refer to the actual wording of the Act.

INTERPRETATION

Section

ADMINISTRATOR

Updated terminology, changing the word "secretary" to the word "administrator" throughout the Act and Regulations.

2(a) **ADMINISTRATOR**

Now means the "person" appointed by the council to act as administrator of the Act.

2(b) **ANIMAL**

This definition still includes cattle, horses, sheep, goats, swine and other hybrid of these animals. This definition now includes "any other animal designated in regulations". Example: wild boar etc.

2(c) **DANGEROUS STRAY**

Means a stray that, in the opinion of a veterinarian, could endanger or pursue any person, livestock or wildlife or is a stray that could harm, damage or destroy property.

2(f) **INSPECTOR**

Is a person appointed under *The Animal Products Act*. If the owner of the stray is unknown, the finder has to call the administrator and one of either the livestock inspector or the RCMP.

2(m) **PROPERTY**

Means any type of property and according to legal advice, this includes livestock.

2(o) **RESTRAIN**

Now also means "capture".

2(s) **YARDAGE**

This term is used to describe the cost of caring for, handling, feeding, watering and bedding an animal.

Section

2.1 ADMINISTRATOR APPOINTMENT

Council of a municipality **shall** appoint a person as the administrator of the Act. This may be any person, but in most cases it will be the municipal administrator.

Council has the authority to appoint an acting administrator in case the administrator is absent, unable to act or the office of administrator is vacant.

POUNDS AND POUNDKEEPERS

Section

12 **REQUIREMENTS FOR POUNDS**
17 Regs

The word "construction" was deleted from this provision. It is not always possible to get poundkeepers with facilities as prescribed in regulations. It does not matter how the pounds are constructed as long as the facility restrains the stray.

15.2 **LIVESTOCK INSPECTOR OR RCMP**

If the owner is unknown, the finder is required to notify the administrator **and** either a livestock inspector or the RCMP.

16 **CARE OF STRAYS**

During the restraint of an animal, the finder is required to provide food and shelter to the stray including veterinary care if required. This ensures proper veterinary care where animals are sick or injured.

17(1)(1.1) **IMPOUNDMENT OF A STRAY**

Seventy-two hours after the restraint of an animal, the finder is required to deliver the stray to the pound. If the finder does not have the means to deliver the stray to the pound, then the administrator must arrange for the delivery.

18 **FEES PAYABLE TO OTHER PERSONS**
4 Regs.

Allows payment of fees for all costs, which are related to apprehending and taking proper care of a stray, to those people involved. Veterinarians were added along with "other persons", as there may be occasions when finders, poundkeepers or municipalities require assistance in dealing with strays.

19(1) **OWNER IS RESPONSIBLE FOR ALL FEES**

The owner of a stray is liable for any fees or other compensation payable pursuant to Section 18.

VALUELESS AND DANGEROUS STRAYS

Section

25(2)(3) VALUELESS STRAY

If the poundkeeper or finder advises the administrator that a stray is valueless and should be destroyed, the administrator shall appoint a veterinarian to inspect the stray and provide the administrator with a written opinion of whether or not the stray should be destroyed.

Where, in the veterinarian's opinion, it is unreasonable to inspect the stray, the veterinarian may give an oral opinion of the condition of the stray, based on the information provided to him/her by the administrator.

The administrator may authorize, in writing, the destruction of the valueless stray if, in the veterinarian's opinion, the stray should be destroyed.

25.1 (1)(2) (3)(4)(5) DANGEROUS STRAY

If a poundkeeper or finder believes that a stray is dangerous, he/she may apply to the administrator for permission to tranquilize or destroy the animal.

The administrator shall appoint a veterinarian to inspect the stray and provide the administrator with a written opinion of whether or not the animal should be tranquilized or destroyed.

Where, in the veterinarian's opinion, it is unreasonable to inspect the stray, the veterinarian may give an oral opinion of the condition of the stray, based on the information provided to him/her by the administrator.

On advice of the veterinarian, the administrator may authorize, in writing, the tranquilization or destruction of the dangerous stray.

Any tranquilization of a dangerous stray is to be performed by or under the supervision of a veterinarian.

25.1(6) A PERSON MAY KILL A STRAY

A person may kill a stray where the stray is in the act of harming, endangering or pursuing any person or livestock.

Section

25.1(7) A PROPRIETOR MAY KILL A STRAY

A proprietor may kill a stray **if all** of the following conditions are met:

(a) the stray has repeatedly harmed, damaged or destroyed the proprietor's property or any wildlife on the property;

(b) the stray is on the proprietor's land and the proprietor has no reasonable means to capture or restrain the stray;

(c) the proprietor has notified the administrator of the harm, damage or destruction caused by the stray to the property or wildlife; **and**

(d) the administrator authorizes the proprietor to kill the stray.

26(1)(2)(3) EXPENSES RE: VALUELESS AND DANGEROUS STRAYS

The owner of a stray is responsible for any expenses incurred in destroying, tranquilizing or disposing of the carcass of a stray. The expenses also include any veterinarian's inspection fee or fee provided to give an opinion.

If the owner of the stray is unknown, the municipality is liable for these expenses.

28(1)(2) PROPRIETOR LIABILITY

A proprietor is not liable for injury or death of a stray while on his/her land, however, a proprietor cannot willfully injure or cause the death of a stray.

30(1) OFFENCES AND PENALTIES

This provision now provides that a person must not only provide sustenance and proper shelter for a stray but also any necessary veterinary care.

30(2) FINES INCREASED

On summary conviction the fine has been increased from not more than $500. to not more than $5,000.

GENERAL

Section

31(b) DESIGNATING ANIMALS

Can now, by regulation, designate any animal as an animal for the purposes of the Act.

31(m) MEDIATION PROCEDURES

Can now, by regulation, prescribe procedures for parties to resolve their disputes by mediation (no regulations in place at this time).

31(n) PRESCRIBING OTHER MATTERS

Can now, by regulation, prescribe any other matter or thing required or authorized by the Act to be prescribed in the Regulations.

34 IMMUNITY

Expanded definition now provides that no action lies or shall be taken against any person who carries out any duty imposed by the Act or Regulations, for any loss or damage suffered.

1998 AMENDMENTS TO *THE STRAY ANIMALS ACT* REGULATIONS

Section

2 DOMESTIC AND FUR ANIMALS

Interpretation of "domestic game farm animal" means an animal as defined in *The Domestic Game Farm Animal Regulations*.

Interpretation of "fur animal" means an animal as defined in *The Fur Farming Regulations*.

3 DESIGNATED ANIMALS

Exotic animals such as Llama, Alpaca, Emu, Ostrich, etc., including the domestic game farm animal or any fur animal, are now designated as animals for the purposes of *The Stray Animals Act*.

18 FENCES

A fence must now meet specific minimum requirements in order to be considered a lawful fence.

Appendix FEES

Now includes fees for aiding in the restraining or impounding of strays, providing veterinary services, loading carcasses of dead strays and disposing of valueless or dangerous strays.

Previous fees were updated.

See Appendix J for a complete Schedule of Fees.

GENERAL PROCEDURES

ADMINISTRATOR

Council is required to appoint an administrator for the purposes of the Act. This could be any person council decides to appoint, however in the past, the Act provided that the administrator of the municipality was required to enforce the provisions.

Council is also required to appoint an acting administrator if the administrator is absent, unable to perform his/her duties or the position is vacant.

For example, if the administrator appointed is on holidays and the municipality has a problem with strays, someone else will have been appointed to administer the provisions of the Act.

ANIMALS RUNNING AT LARGE

No owner shall allow, at any time, any of his/her animals to run at large in the province. In other words, this means we have a "closed herd law" in Saskatchewan.

A municipality may, by bylaw, allow animals to run at large in the municipality or any portion of the municipality and also determine the maximum number of each kind of animal that may run at large.

The bylaw must be in the prescribed form, as set out in Regulations.

POUNDS AND POUNDKEEPERS

A municipality **may** determine where pounds, if any, should be located and also **may** appoint poundkeepers to carry out the provisions of the Act.

Council should not appoint a person as poundkeeper unless that person can carry out the duties imposed on him by the Act and Regulations.

If a stray is found in a pasture operated by the Government of Saskatchewan or Government of Canada, the stray is deemed to be impounded, the pasture being the pound, and the person in charge of the pasture is the poundkeeper.

If the owner of the livestock auction market agrees, a municipality may designate the livestock auction market as a pound and its manager or his agent shall be deemed to be the poundkeeper.

A poundkeeper is responsible to maintain and operate his/her pound at his/her expense and is entitled to the fees prescribed for his/her services. The pound is required to be kept clean, in good repair and the poundkeeper is required to supply the strays with sufficient and wholesome sustenance including proper shelter.

The poundkeeper is required to detain any strays in his/her pound until notified by the administrator to release them.

A municipality is responsible for any negligent acts or omissions of its poundkeepers in carrying out their duties and is responsible for any resulting loss or damage.

RESTRAINT

Any person may restrain a stray.

Owner Known:

If the owner is known, the person must immediately notify the owner of the discovery and restraint of the stray.

The owner of the stray has 12 hours within which to pay the finder the restraining fees and get his/her strays released. The fees are prescribed in the Appendix in regulations (see Appendix J in this guide). These fees are set and cannot be altered.

If the owner and finder cannot agree on the fees to be paid regarding the restraint, or if the owner fails to pay the agreed to amount or fails to remove the stray from the finder's premises after paying the fees, the finder is required to notify the administrator of the restraint.

The administrator shall immediately provide the owner with particulars of the restraint.

Owner Unknown:

If the owner is unknown, the finder must immediately notify the administrator **and** either the livestock inspector or the RCMP of the restraint, the location of the stray, and the date and time of the commencement of the restraint.

The administrator must advertise the restraint of the stray in one issue of a newspaper circulating in the municipality **or** for two consecutive days on any radio/television broadcasting in the municipality between 7 a.m. and 10 p.m.

The finder, during the period of restraint, is required to provide the stray with wholesome sustenance and shelter normally provided to such animals, along with veterinary care, if necessary.

IMPOUNDMENT

When the stray has not been released to the owner within 72 hours after notifying the owner of the restraint, or when the owner is unknown, the finder shall deliver the stray to the pound.

If the finder does not have the necessary equipment or resources to deliver the stray to the pound, the administrator is required to arrange for delivery to the pound.

The administrator may appoint the finder as poundkeeper if it is reasonable to do so. Such an appointment must be made in writing with a specified time period of appointment.

If there is no pound in the municipality and the finder is not appointed poundkeeper, the administrator shall arrange for the stray to be delivered to a pound outside the municipality.

When the administrator fails to arrange the impoundment, the Minister of Saskatchewan Agriculture and Food or a person authorized by the minister may appoint the finder as poundkeeper or authorize the finder to deliver the stray outside the municipality.

FEES, CHARGES AND PENALTIES

Compensation to finders, poundkeepers, veterinarians, municipalities and other persons is determined in accordance with the fees prescribed in the regulations (Appendix J in this guide).

The owner of a stray is liable for any fees or other compensation payable respecting his or her stray animal and such fees or compensation are payable to the municipality (does **not** include damages caused by a stray - see "Liabilities" on page 15). The exception is when the owner and the finder agree to an amount and the owner pays within twelve hours of notice.

If any fees are not paid or the owner is unknown, the municipality is responsible to pay the fees to the finder, poundkeeper or other persons and the municipality may sue the owner of the stray for recovery of any amounts so paid.

The administrator may assess a penalty on the owner of the stray for each day that the stray is restrained or impounded, not exceeding $10. per day to a maximum of $100. per animal, as prescribed in the Regulations. This amount shall be paid to the municipality.

When all fees, other compensation and any penalty assessed is paid, the administrator shall, by notice to the finder or poundkeeper, authorize the release of the stray.

The administrator or the poundkeeper shall require the owner of the stray to provide, in the prescribed form, a statutory declaration of ownership before the stray is released.

SALE OF IMPOUNDED STRAYS

If the stray is not released within 14 days after impoundment or, where the owner remains unknown and the municipality has waited seven days after impoundment, the administrator shall give notice to the poundkeeper to deliver the stray to the nearest auction market.

The auction market shall sell the stray by public auction to the highest bidder and deduct any sales commission fees, yardage, veterinary costs, etc from the proceeds.

Immediately after the sale, the auction market shall forward to the administrator any remaining proceeds of the sale along with a report prepared in accordance with the Act.

The administrator is required to keep a record of the sale in the prescribed form (Appendix H of this guide) for at least 24 months after the sale date.

The municipality is responsible for payment of the full amount of any fees or other compensation to which the finder, poundkeeper, livestock auction market or any other person is entitled, within 30 days after the date of the sale, whether or not the proceeds of the sale are sufficient to cover all costs.

After the required amounts have been paid, any remaining funds shall be paid in the following priority:

- fees, charges and expenses of the municipality;
- any penalty assessed by the municipality;
- where the owner is unknown, the reasonable damage claim of finder;
- any funds still remaining shall be paid to the owner if known;
- where the owner is not known at the time of the sale, any funds remaining shall be held for a period of 12 months, after this time the funds become part of the funds of the municipality;
- if prior to the 12 month period a person provides proof of ownership of the stray, the administrator shall pay that person the remaining funds. The person must complete a statutory declaration of ownership in the prescribed form (Appendix I in this guide).

VALUELESS AND DANGEROUS STRAYS

If a poundkeeper or finder believes he/she has a valueless stray, he/she may apply to the administrator for permission to destroy the animal.

The administrator shall then appoint a veterinarian to inspect the stray and the veterinarian shall provide a written opinion to the administrator of whether or not the stray is valueless and should be destroyed. If, however, the veterinarian feels it is unreasonable to inspect the stray, the veterinarian may provide an oral opinion based on the information received from the administrator.

The administrator may authorize, in writing, the destruction of the valueless stray if, in the veterinarian's opinion, the stray is valueless.

DANGEROUS STRAY

A poundkeeper or finder, having custody of a stray and believing it to be dangerous, may apply to the administrator requesting permission to either tranquilize or destroy the stray.

The administrator shall appoint a veterinarian to inspect the stray and to provide a written opinion of whether or not the animal should be tranquilized or destroyed. If, however, the veterinarian feels it is unreasonable to inspect the stray, the veterinarian may provide an oral opinion based on the information received from the administrator.

The administrator may authorize, in writing, the tranquilization or destruction of the stray if, in the veterinarian's opinion, the stray is dangerous.

Any tranquilization of a dangerous stray must be performed by or under the supervision of a veterinarian.

SITUATIONS WHEN ANY PERSON/PROPRIETOR MAY KILL A STRAY

A person may kill a stray if the stray is in the act of harming, endangering or pursuing any person or livestock.

A proprietor may kill a stray only if all of the following conditions are met:

- the stray has repeatedly harmed, damaged or destroyed the proprietor's property or any wildlife on the property;
- the stray is on the proprietor's land and he/she has no reasonable means to capture or restrain the stray;
- the proprietor has notified the administrator of the harm, damage, or destruction caused by the stray to the property or wildlife; **and**
- the administrator authorizes the proprietor, in writing, to kill the stray.

EXPENSES RE: VALUELESS AND DANGEROUS STRAYS

If known, the owner of a destroyed stray is liable for the expenses to destroy the stray and the expenses of disposing of the carcass. Expenses include any veterinarian inspection fee and the fee for providing an opinion respecting the stray. The owner of a stray has no right or claim for damages resulting from the destruction of the stray except for the value of any dead salvage.

If known, the owner of a tranquilized stray shall be liable for the expenses of tranquilizing the stray. Expenses include any veterinarian inspection fee and the fee for providing an opinion respecting the stray.

Where the owner of a tranquilized or destroyed stray is unknown, the municipality shall be liable for the expenses of tranquilizing or destroying the stray and disposing of the carcass.

LIABILITIES

The owner of a stray is liable to a proprietor for any damage caused by the stray to the property of the proprietor (the municipality does not have any responsibility regarding such damages). No proprietor shall be liable for injury or death of a stray while on the proprietor's land. This does *not* authorize a proprietor to wilfully injure or cause the death of a stray.

If the rural municipality has an open herd bylaw in effect, no action for damages to property caused by an animal while lawfully running at large shall be maintained. No animal lawfully running at large shall be liable to be restrained or impounded for causing damage to property unless the property is surrounded by a lawful fence.

Any fence enclosing a property is a lawful fence if it is established that an animal broke through or passed over or under any part of it, even though other parts of the fence may not be lawful. The onus of establishing that a fence is lawful is on the proprietor.

OFFENCES AND PENALTIES

Any person who:

- Impounds or assists, incites or employs a person to impound an animal that is not a stray;
- Demands or receives any fee not authorized by the Act or the Regulations;
- Neglects to provide sustenance and proper shelter for a stray;
- Neglects to provide necessary veterinary care, as required;
- Works or uses a stray in any manner while it is restrained or impounded;
- Knowingly allows an animal affected with a contagious or infectious disease to be in the same enclosure with a stray not so affected;
- Fails to give any notice required by the Act or the Regulations;
- Neglects to provide the administrator with any report or information required by the Act or the Regulations;
- Harbours, transports, offers for sale or otherwise disposes of a stray except in the manner that is in compliance with the provisions of this Act and the Regulations;
- Removes a restrained animal from the place where the animal is restrained without the consent of the finder who restrained it or of the administrator of the Act for the municipality in which the stray was restrained;
- Removes an impounded animal from the pound without the consent of the poundkeeper or of the administrator of the Act for the municipality in which the pound is situated;
- Violates any of the provisions of the Act or the Regulations or neglects to do anything required by the Act or the Regulations;

is guilty of an offence and is liable on summary conviction to a fine of not more than $5,000 or to imprisonment for a term of not more than six months, or to both such fine and imprisonment, and in default of payment is liable to imprisonment for a term of not more than six months.

IMMUNITY

No action lies or shall be instituted against any person, where that person is acting pursuant to the authority of the Act or the Regulations, for any loss or damage suffered by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by that person:

- pursuant to or in the exercise or supposed exercise of any power conferred by the Act or the Regulations; or
- in carrying out or supposed carrying out of any duty imposed by this Act or the Regulations.

IF THE OWNER IS KNOWN

RESTRAINT

- The finder must immediately notify the owner of the discovery and restraint of the stray.
  14(2) Act

- The owner has 12 hours to pay the fees the finder agrees to accept with respect to the restraint and if the fees are paid to the finder, he/she shall release the stray to the owner.
  15 Act

- If there is a disagreement over the fees or the owner fails to remove the stray after paying the fees, the finder shall notify the administrator of the restraint, location of the stray and the date and time of the start of the restraint.
  15.1(1) Act

- If notified by the finder, the administrator shall complete and sign a Memorandum of Stray Animal Restrained (Appendix B of this guide) which is counter signed by the finder who gets a copy.
  6 Regs

- The administrator shall let the owner know the particulars of the restraint (Appendix B of this guide).
  15.1(2) Act
  6 Regs

IF THE OWNER IS NOT KNOWN

RESTRAINT

- The finder must immediately notify the administrator, and a livestock inspector or the RCMP of the restraint, the location of the stray and the date and time of the start of the restraint.
  15.2(1) Act

- When notified by the finder, the administrator shall complete and sign a Memorandum of Stray Animal Restrained (Appendix B of this guide) which is counter signed by the finder who also gets a copy.
  6 Regs

- The administrator must advertise the restraint of the stray in one issue of a newspaper circulating in the municipality or for two consecutive days on any radio/television broadcasting in the municipality between 7 a.m. and 10 p.m.
  15.2(2) Act, 7 Regs

COMMON PROCEDURES

IMPOUNDMENT

- If the stray is not released to the owner, the finder shall within 72 hours of the restraint, deliver the stray to the nearest pound in the municipality or to a pound as the administrator may direct.
  17(1) Act

- If the finder does not have the resources to deliver the stray to a pound, it is the responsibility of the administrator to arrange for the delivery to the pound.
  17(1.1) Act

- If the administrator believes it is more reasonable to impound a stray on the finder's land than transfer the animal to the pound, the administrator may, in writing, appoint the finder as poundkeeper for a specified period of time.
  17(2)(3) Act

- If there is no pound in the municipality and the finder is not appointed poundkeeper, the administrator shall arrange to deliver the stray to the nearest pound outside the municipality.
  17(4) Act

- If the **owner** of a stray is **known** the administrator shall deliver to the owner a Notification of Impounded Animals (Appendix C of this guide).
  8 Regs

- If the stray is not claimed by the owner within 14 days after impoundment, or if the owner is unknown even after reasonable inquiry and the municipality has waited 7 days, the administrator shall give notice to the poundkeeper to deliver the stray to the livestock auction market.
  22(1) Act

SALE

- The administrator shall post a notice of sale of impounded animals for seven consecutive days at two conspicuous places within the municipality and at the auction market where the stray is to be sold.
  11 Regs

- The notice of sale is to be posted within the 14 day period of impoundment (Appendix F of this guide).
  11(2) Regs

- Any time prior to the sale, the owner can obtain the animal if all fees are paid to the municipality. Before releasing the stray to an owner a statutory declaration of ownership must be obtained from the owner of the stray (Appendix G of this guide).
  20(2) Act, 13(1)(2) Regs

- The livestock auction market shall sell the stray at a public auction to the highest bidder. All costs are deducted from the proceeds of the sale. The livestock auction market shall forward to the administrator the proceeds remaining after deductions, along with a report of the sale.
  22(2)(3) Act

- An owner claiming any proceeds from a sale must provide the administrator with a declaration of ownership (Appendix I of this guide).
  24(5) Act, 16 Regs

- The owner is liable for any fees or other compensation payable and, subject to Section 15, shall pay those fees or other compensation to the municipality. If a person provides proof of ownership of a stray sold within a 12-month period, the administrator shall pay that person any remaining funds.
  19(1), 24(5) Act

ADMINISTRATION

- The administrator may assess a penalty against the owner of a stray for each day the stray is restrained or impounded (not exceeding $10 per day, to a maximum of $100. per animal).
  21 Act

- The administrator shall maintain a record of sale, in the prescribed form (Appendix H of this guide), of any stray and keep the record for at least 24 months after the date of the sale of the animal.
  23 Act

- The administrator shall keep a complete record, in the prescribed form, of any stray found in the municipality (Note: currently, there is no prescribed form. Appendix H in this guide may be used for this purpose).
  32 Act

QUESTIONS AND ANSWERS

Question: Have the regulations pursuant to section 31(m) regarding what procedures the parties must follow to resolve their dispute by means of mediation been prescribed?
Answer: No. Not at the present time.

Question: What if no person wants to restrain a stray? Does *The Stray Animals Act* still apply?
Answer: No.

Question: The municipality is responsible to pay to the finder, poundkeeper and other persons those fees to which they are entitled. How does the municipality recover these fees?
Answer: Only by suit. You cannot add these costs to the taxes.

Question: The owner of a stray is liable to a proprietor for any damages caused by the stray to the property of the proprietor. Does the municipality have any responsibility to collect and remit such damage charges?
Answer: None whatsoever. This is a civil matter between the owner of the stray and the proprietor.

Question: Where can one find the interpretation of "domestic game farm animals"?
Answer: The interpretation can be found in *The Domestic Game Farm Animals Regulations* under *The Animal Protection Act*.

Question: Where can one find the interpretation of "fur animal"?
Answer: The interpretation can be found in *The Fur Farming Regulations* under *The Animal Protection Act*.

Question: Does the administrator of the municipality have to be appointed the administrator of the Act?
Answer: No. Council can appoint the administrator or clerk of the municipality or any other person as administrator of the Act.

Question: What is meant by the term "inter-species hybrid"?
Answer: A hybrid is the offspring of two animals of different breeds, species or varieties. For example, the American Beefalo is a cross between two distinct species (Bison and domestic cattle) and therefore a true hybrid animal.

Question: Does *The Stray Animals Act* apply only to rural municipalities?
Answer: No. The Act applies to all municipalities (rural, urban and northern).

Further Assistance

Staff of Municipal Advisory Services of Saskatchewan Municipal Affairs, Culture and Housing is available to provide assistance to municipal administrators during normal business hours.

For further information or assistance, contact a Municipal Advisor at:

Advisory (Management) Services
Saskatchewan Municipal Affairs, Culture and Housing
4th Floor, 1855 Victoria Avenue
Regina, Saskatchewan S4P 3V7

Telephone: (306) 787-2680
Fax: (306) 787-8748

Advisory (Management) Services
Saskatchewan Municipal Affairs, Culture and Housing
9th Floor, 122 – 3rd Avenue North
Saskatoon, Saskatchewan S7K 2H6

Telephone: (306) 933-6922
Fax: (306) 933-7720

Contact person for Saskatchewan Agriculture and Food:

Gordon Enns
3735 Thatcher Avenue
Saskatoon, Saskatchewan S7K 2H6

Telephone: (306) 933-5744
Fax: (306) 933-5715

District Livestock Inspectors/Supervisors:

Name	Location	Office	Fax	Cell
Dave Augustine	Swift Current	778-8312	778-8548	741-2857
Lee Bellows	Moose Jaw	694-3709	694-3828	631-6152
George Bourhis	Kennedy	538-2113	538-4931	736-7682
Jeff Eide	Saskatoon	933-7660	933-7664	222-2385
Ron Sabin	N. Battleford	446-7404	446-7539	441-6513
Bob Solomon	Yorkton	786-5712	786-5743	621-1122

FORM A
[*Section 5*]
Bylaw
Bylaw No.___

A BYLAW OF THE MUNICIPALITY OF _____ NO._____
RESPECTING ANIMALS RUNNING AT LARGE

Pursuant to *The Stray Animals Act*, the council of the Municipality of _____ No. _____ enacts as follows:

1. Expressions used in this bylaw have the same meaning and interpretation given to them by Section 2 of *The Stray Animals Act*.

2. The following animals are permitted to run at large in the following areas within the municipality within the following times:

   (a) horses (*specify kind, grazing area and period of restraint, if any*);
   (b) cattle (*specify kind, grazing area and period of restraint, if any*);
   (c) sheep (*specify kind, grazing area and period of restraint, if any*);
   (d) swine (*specify kind, grazing area and period of restraint, if any*).

(Seal of the Municipality)

_____
Mayor/Reeve

_____
Administrator

Read a first time this _____ day of _____ , _____ .
(day) *(month)* *(year)*

Read a second time this _____ day of _____ , _____ .
(day) *(month)* *(year)*

Read a third time and finally passed this_____ day of _____ , _____ .
(day) *(month)* *(year)*

FORM B
[*Section 6*]
Memorandum of Stray Animals Restrained

TO: _____

I have this ____ day of _____, _____ received notice
(day) *(month)* *(year)*

from _____ of _____

of the discovery and restraint of the following stray animal(s):

Class of Animal(s) and Age	Sex & Colour	Brief General Description	Marks & Brands (*if any*) Probable wt. etc.	Name & Address of Owner (*if known*)

Date and time of commencement of restraint _____ a.m./p.m., the _____ day
(day)
of _____ , _____.
(month) *(year)*

On discovery, the stray animal(s) was/were located at:

(a) 1/4 Sec. _____ Tp. _____ Rge. _____ West of the _____ Meridian, Saskatchewan; or

(b) _____

_____.
(describe the location of discovery in other terms, where applicable)

Nature and extent of damage, if any _____.

Amount claimed as damages $_____. Fees claimed for restraining $_____.
(*pursuant to the provisions of Clause 24(2)(c)*)

Signed _____ Signed _____
Finder Administrator

_____
Address of finder

_____
Telephone

NOTICE - Pursuant to Section 17 of *The Stray Animals Act*, where the above described animal(s) has/have not been released to the owner within 72 hours, the finder shall deliver the animal(s) to the keeper of the nearest accessible pound or to the keeper of a pound as the administrator may direct.

Form C

[*Section 8*]

Notification of Impounded Animals

Municipality of _____ No._____

TO: _____

Notice is hereby given pursuant to *The Stray Animals Act* that the following animal(s) was/were on the ____ day of _____, _____ impounded at:
(day) *(month)* *(year)*

Name and location of pound _____

Name of poundkeeper _____

Address _____

Telephone _____

Class of Animal(s) and Age	Sex & Colour	Brief General Description	Marks & Brands *(if any)* Probable wt. et.	Name & Address of Owner *(if known)*

Pursuant to Section 22 of *The Stray Animals Act*, where the above-described animal(s) has/have not been released from the pound within 14 days after impoundment, or where the owner remains unknown after reasonable inquiry by the municipality and the municipality has waited seven days after impoundment, I am required to give notice to the poundkeeper to deliver the animal(s) to a livestock auction market for sale by public auction.

Dated at _____, Saskatchewan, this _____ day of _____, ____.
(day) *(month)* *(year)*

_____
Administrator

FORM D

[*Section 9*]

Receipt for Impounded Animals

TO WHOM IT MAY CONCERN:

I have this _____ day of _____, _____
(day) *(month)* *(year)*

Received from _____ of _____

for impounding the following animals, numbering _____ :

Class of Animal(s) and Age	Sex & Colour	Brief General Description	Marks & Brands *(if any)* Probable wt. et.	Name & Address of Owner *(if known)*

Place of impoundment:

(a) 1/4 Sec. _____ Tp. _____ Rge. _____ West of the _____ Meridian, Saskatchewan; or

(b) _____

_____.
(describe the place of impoundment in other terms, where applicable)

Fees claimed for impounding $_____.

Fees claimed for restraining $_____.

_____
Poundkeeper

FORM E

[*Section 10*]

Notice of Impounded Animals

TO WHOM IT MAY CONCERN:

Notice is hereby given that, pursuant to *The Stray Animals Act*:

_____

_____

_____

_____

_____

(description of animal(s) impounded)

was/were impounded on the ____ day of _____, _____ at:
(day) *(month)* *(year)*

(a) 1/4 Sec. _____ Tp. _____ Rge. _____ West of the _____ Meridian, Saskatchewan; or

(b) _____

_____.

(describe place of impoundment in other terms, where applicable)

Pursuant to Section 22 of *The Stray Animals Act*, where the above-described animal(s) has/have not been released from the pound within 14 days after impoundment, or where the owner remains unknown after reasonable inquiry by the municipality and the municipality has waited seven days after impoundment, the animal(s) shall be delivered to a livestock auction market for sale by public auction.

_____
Date

_____
Administrator

_____
Municipality of

_____
Telephone

FORM F

[*Section 11*]

Notice of Sale of Impounded Animals

TO WHOM IT MAY CONCERN:
Notice is hereby given that, pursuant to *The Stray Animals Act*:

_____

_____

_____

_____

_____

(description of animal(s) to be sold)

will be sold at _____ on _____

_____.

_____
Date

_____
Administrator

_____
Municipality of

_____
Telephone

FORM G

[Subsection 13(2)]

Statutory Declaration of Ownership

TO: The Municipality of _____ No._____

CANADA
Province of Saskatchewan
To Wit:

IN THE MATTER OF
THE STRAY ANIMALS ACT

I, _____,
(Full name of person claiming ownership)

of _____, Saskatchewan, _____,
(Address) *(Occupation)*

do solemnly declare that I am the owner of:

_____

_____

_____

_____

_____
(description of stray animal(s))

and I make this solemn declaration believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me at _____ }
_____, Saskatchewan, }
this _____ day of _____, }
_____. }
}
}
_____ }
A Commissioner for Oaths in and for the }
Province of Saskatchewan. }

_____
Owner

FORM H
[*Section 15*]
Record of Sale of Impounded Animal

MUNICIPALITY OF _____ No._____

PART I
Statement of Sale of an Impounded Animal Sold Pursuant to *The Stray Animals Act*

Class of Animal _____

General description and brand, if any _____

Name and address of finder _____

Date and time of restrainment _____

Dates of issue of the official notice _____

Name and address of purchaser _____

Date of sale _____

Total Amount Realized at Sale **(A) $** _____

PART II
Detailed Record of Expenses

No. of animals x No. of days x $ per day	$ _____
Feeding and Care	_____
Restraining Fee	_____
Impounding Fee	_____
Penalty Fee	_____
Damages (if owner unknown)	_____
Selling Costs	_____
Transportation Costs	_____
Advertising	_____
Postage, including registration of notification	_____
For duties performed pursuant to the Act or the regulations	_____
Total Expenses	**(B) $** _____
Amount realized from sale of above animals	**(A - B) $** _____

and turned over to the Municipality of _____

_____ _____
(Administrator) *(Address)*

FORM I
[*Section 16*]
Statutory Declaration of Ownership

TO: The Municipality of _____ No._____

CANADA
Province of Saskatchewan
To Wit:

IN THE MATTER OF
THE STRAY ANIMALS ACT

I, _____,
(Full name of person claiming ownership)

of _____, Saskatchewan, _____,
(Address) *(Occupation)*

do solemnly declare that:

1. The following animals owned by me strayed from my premises on or about the _____ day of
(day)

_____, _____ at:
(month) *(year)*

(a) 1/4 Sec. _____ Tp. _____ Rge. _____ West of the _____ Meridian, Saskatchewan; or

(b) _____

_____.
(describe the location in other terms, where applicable)

Class of Animal(s) and Age	Sex & Colour	Brief General Description	Marks & Brands *(if any)* Probable wt. et.

2. It has since come to my knowledge that these animals were sold at _____

on or about the _____ day of _____, _____.
(day) *(month)* *(year)*

3. I declare these animals to be the animals lost by me and that I am entitled to the proceeds of the sale of the animals, less the cost of impoundment, sale and sustenance.

And I make this solemn declaration believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act.*

Declared before me at _____ }
_____,Saskatchewan, }
this _____ day of _____, }
_____. }
}
}
_____ }
A Commissioner for Oaths in and for the }
Province of Saskatchewan. }

_____
Owner

Corroborative Statement

I, _____ of _____, am well acquainted with the person who makes the above declaration and am aware, of my own personal knowledge, that the said _____ did own an animal answering the description given in the above declaration.

Dated at _____, Saskatchewan, this _____ day of _____, _____.
(day) *(month)* *(year)*

_____
(Signature)

Schedule of Fees
[*Section 4*]

Service Provided	Fee or Other Compensation
impounding a stray	maximum $5 per animal
aiding in restraining or impounding a stray	maximum $10 per hour per person (*new*)
providing veterinary services with respect to a stray, including a valueless or dangerous stray	all reasonable charges (*new*)
providing care and sustenance for restrained or impounded stray	(a) maximum $5 per day per head for the first 50 head restrained or impounded at one time; and (b) $3 per day per head for each animal over 50 head restrained or impounded at one time (*revised*)
transporting strays and disposing of carcasses of dead strays	(a) $50 for up to 20 kilometres travelled; and (b) maximum of $2 per kilometre travelled in excess of 20 kilometres (*revised*)
loading of carcass of dead stray	maximum of $50 per hour or part of an hour (*new*)
advertising restraint of a stray	all reasonable charges (*new*)
disposing of a valueless or dangerous stray where authorized by an administrator	maximum $10 per hour (*revised*)
travel related to destroying a valueless or dangerous stray	maximum $0.45 per kilometre (*revised*)